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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF
AMERICAN METROCOMM LONG DISTANCE
CORPORATION FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
COMPETITIVE FACILITIES-BASED AND
RESOLD LOCAL EXCHANGE AND
INTEREXCHANGE TELECOMMUNICATIONS
SERVICES

DOCKET NO. T-03838A-00-0097

DECISION NO. 63671

ORDER Arizona Corporation Commission
DOCKETED

MAY 24 2001

Open Meeting
May 21 and 22, 2001
Phoenix, Arizona

DOCKETED BY

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On February 10, 2000, American MetroComm Long Distance Corporation ("AMLDC" or "Company") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based and resold local exchange and interexchange telecommunications services within the State of Arizona.

2. In Decision No. 58926 (December 22, 1994), the Commission found that resold telecommunications providers ("resellers") were public service corporations subject to the jurisdiction of the Commission.

3. On August 9, 2000, Staff docketed a letter sent to AMLDC's consultant to inform AMLDC that Staff required additional information to process its application.

4. On October 31, 2000, Staff filed a Staff Report recommending denial of the application due to the Company's repeated failure to respond to data requests.

5. On December 6, 2000, a Procedural Order was issued requiring the Company to

1 publish notice and file Affidavits of Publication. The Procedural Order stated that the failure of the
2 Company to comply with the Procedural Order shall result in the denial of its application without a
3 hearing.

4 6. The record shows that the Company has not published notice.

5 7. AMLDC has not requested a hearing, answered Staff's data requests, or contacted
6 Staff.

7 CONCLUSIONS OF LAW

8 1. Applicant is a public service corporation within the meaning of Article XV of the
9 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

10 2. The Commission has jurisdiction over Applicant and the subject matter of the
11 application.

12 3. Notice of the application was not given in accordance with the law.

13 4. AMLDC is not a fit and proper entity to receive a Certificate for providing competitive
14 facilities-based and resold local exchange and interexchange telecommunications services in Arizona.

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ORDER

IT IS THEREFORE ORDERED that the application of American MetroComm Long Distance Corp., L.L.C. for a Certificate of Convenience and Necessity for authority to provide competitive facilities-based and resold telecommunications services, shall be, and the same is hereby denied.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN
COMMISSIONER
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 24th day of May 2001.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
SG:mlj

1 SERVICE LIST FOR: AMERICAN METROCOMM LONG DISTANCE
2 CORP., L.L.C.

3 DOCKET NO.: T-03838A-00-0097
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